

MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, August 3, 2004
Metro Council Chamber

Councilors Present: Brian Newman (Deputy Council President), Susan McLain, Carl Hosticka, Rod Park, Rod Monroe, Brian Newman

Councilors Absent: Rex Burkholder (excused), David Bragdon (excused)

Deputy Council President Newman convened the Metro Council Work Session Meeting at 1:08 p.m.

1. DISCUSSION OF AGENDA FOR COUNCIL REGULAR MEETING, AUGUST 5, 2004.

Deputy Council President Newman reviewed the August 5, 2004 Council agenda. He noted item #8 was off today's agenda. He said Ms. Dow was unable to present her Transition Savings and Costs at the August 5th Council meeting. Her presentation had been moved to the August 19, 2004 Council agenda.

2. SOLID WASTE PRESENTATION ON ORDINANCE NOS. 04-1055 AND 04-1056

Mike Hoglund, Solid Waste and Recycling Department, said these were the two ordinances that Councilor Hosticka has requested being drafted. One amended the Regional Solid Waste Management Plan (RSWMP) to December 2005 and one amended the Metro Code on franchises and licenses. Questions had arisen about allocation of wet waste and potential new transfer stations. Transfer station system capacity had nearly doubled over the last year. Council had also identified protecting the public solid waste system. They would watch tonnage at our facilities and other stations. They had been developing a work plan to look at those questions. He then reviewed the short-term issues (a copy of which is included in the work session form). He reviewed long term issues (also included on the work session form). Longer-term issues were more important than the short term.

He said this week they had received an application, which came from the Quality Environmental Group. They were looking to operate a wet and dry waste facility, a full-scale operation. The Metro Attorney had indicated that they must consider the application because it had been submitted prior to implementation of the moratorium. He explained it would be tough to approve the application as it was currently submitted. Councilor Hosticka asked who would make the decision on the new transfer station. Mr. Hoglund said the Metro Council would make the decision. He explained the choices in considering the new transfer station. Councilor McLain spoke to the evaluation criteria for a new transfer station and what the moratorium addressed. Was there a deficit or an issue of accessibility? Councilor McLain said she felt it was important to talk about the moratorium. The moratorium was addressing issues in the Code. Mr. Hoglund said right now one of the choices was how do we deal with this current application. Councilor McLain said the stronger position was using the Code that was in place. She wanted to do what was legally appropriate and prudent. It seemed to her that if you had an application that you use the criteria you had in Code. Marv Fjordbeck, Metro Associate Attorney, said the answer was that the same rule Council was used to in land use was not the same as in solid waste. He explained further what Council's options were concerning the new transfer station application. Councilor Park spoke to the concept of vesting and fairness. How did the Council operate? He was

concerned about the signal being sent to the general public. Councilor Hosticka said it seemed to him that if the moratorium were in operation, the application would be a deferral. If it were under the criteria and Council said no, would they have to reapply? Mr. Fjordbeck said the reason they would advise Council and staff to deal with it, was because of the 120 day provision in the Code that said if you didn't deal with the application, it was deemed granted. If they were denied an application, you had to wait six months to come back. Councilor Monroe summarized that if you used the moratorium as a sole reason for denial, it would be ex-facto approval of the application. Mr. Fjordbeck said no, the moratorium said the capacity was met. Deputy Council President Newman summarized that you could consider the moratorium but that didn't mean you wouldn't act on the application. Councilor Park said he didn't feel that you should change the rules.

Councilor McLain said as long as you have either or, or both, it allowed options for Metro. She spoke to standards for a new application. They were quite high. It was a good signal for the Council to let the region know about their decision-making. She felt it made good business sense. She felt they had to be honest. Councilor Monroe said his concern was fairness and the appearance of fairness. He felt Metro Code criteria gave them plenty of tools to consider the application. He didn't want to use the moratorium as a sole response to the denial of the application. Mr. Hogle said what he heard from the Council was to review the application on its merits prior to the moratorium. He didn't feel they were setting a precedent. Deputy Council President Newman summarized people wanted to review the application based on its merits and wanted it done before the moratorium. Councilor McLain said she felt that there was a precedent if you started the 120-day clock before the application was complete. Mr. Fjordbeck clarified the timeline.

Deputy Council President Newman said as they went through the RSWMP, would there be an analysis of what kinds of companies were already operating, services provided and whether or not that put some companies at a disadvantage? Mr. Hogle said they were looking at services that the public wanted to see and the values associated with those services. Once you have the established services, then you figure out how the services would be provided. He spoke to vertical integration, those stations that we owned as well as an independent option. Councilor McLain said she concurred with Deputy Council President Newman's review of the system during the RSWMP update. She suggested guidance from the Council on this type of analysis.

Councilor Park talked about policies based on distance not time. He suggested presenting it both ways. Mr. Hogle said the service area report was based on time but the RSWMP was based on distance. Councilor Park spoke to consistency over time. You needed to be able to measure time as well as distance to evaluate accessibility. Councilor McLain said distance and times told you different things. She agreed with Councilor Park that we needed to look at both elements. Councilor Hosticka returned to the application issue. He wondered what it took to have an application. What would happen if someone else filed an application before the ordinances were acted upon? Mr. Fjordbeck said the Code was pretty clear as to what information must be provided, the most notable would be land use approval. Councilor Hosticka asked what the application was missing? Roy Brower, Solid Waste and Recycling Department, said they only received it Friday so it had not been reviewed yet for completeness.

3. NEW EXCISE TAX FUNDING FOR PARKS: PRIORITIES AND OPTIONS

Jim Desmond, Regional Parks and Greenspaces Director, said they were trying to build in the next three sessions what Council wanted to see in terms of a work plan. They wanted to have Council talk about what they believed the Park Department's priorities were. Michael Jordan, Chief Operating Officer (COO), said Mr. Desmond was fairly clear in his presentation. It was

based on a \$3 a ton plan. They had received that first phase of \$1.50. They had to start making decisions not knowing if they would get the other \$1.50 a ton. They wanted to get direction from Council on what came first. He gave an example of partnering versus operations. They wanted Council to prioritize what came first, if they didn't do something, what would that be if they don't get the other \$1.50 a ton. Councilor Park talked about this discussion versus the strategic planning discussion and the role of the Parks Department. Mr. Jordan said the Park's staff believed this discussion was timely because they would be starting to collect that money next month. He felt that both discussions were important and could be married.

Councilor McLain talked about guiding principles and that they believed these principles were realistic and supported by the Council. She felt these were what they had said at retreats. Mr. Desmond said these were drawn from the retreat discussions. Mr. Jordan said some of the principles were conflicting and Parks would have to make some decisions. Mr. Desmond said these principles were a start. They took what they knew was out there. The order of the values was not intended to be prioritized. They were not trying to steer the discussion. This list of principles was based on whatever existed. He asked if there was anything missing? Councilor Park said the part that he was trying to figure out was what level of parks were we providing. He talked about the State model. When you get into this list of principles you had to know what direction you were going.

Councilor McLain concurred with Deputy Council President Newman's comment. She said we had to deal with the world as it was today. In the future, if they got the additional \$1.50, then you could look to the future for implementing some of the strategic plan. Mr. Jordan said they believed that the spreadsheet was an example of what they had planned to do but they didn't get \$2.00 a ton, only \$1.50. So they had to prioritize how the money was spent. Should they be looking to partnerships for operations or capital investments? Could they cut a deal to stretch the dollar? Deputy Council President Newman said he agreed with Councilor Park but he wanted to go through this exercise to help prioritize. Councilor Park said there had not been a definitive decision that Metro was going to be a park's manager but we currently had parks that we operate.

Mr. Desmond reviewed the list of principles:

Renewal and replacement - existing policy that the Council had that the Parks had not been able to comply with. He assumed that the Council wanted them to follow the policy and comply with this policy. He detailed some of the need areas such as Blue Lake Park. Councilor Hosticka asked about modifying the numbers. There was a number for renewal and replacement. The underlying premise of this discussion was they wanted to see what Council wanted. Mr. Desmond spoke of anticipating the future dollar but if you can't assume the revenue, then you were left with what you had. Council indicated that renewal and replacement was a priority but may not stay at the same level out to 2015. Councilor Park suggested looking at guiding principles only, not at the spreadsheet.

Regional equity - was that a priority? Councilors McLain and Newman felt very strongly about it. Deputy Council President Newman reminded that regional equity was both past and future. Councilor McLain spoke about partnerships. Councilor Monroe asked what regional equity meant?

Habitat restoration - in the sense of taking care of what we have. They would have about 7000 acres that they had to take care. Councilor Park asked if this was really habitat restoration? Councilor Hosticka said some of our partners were rehabilitating our lands. Mr. Desmond said they were collecting about \$1 million a year in grants for restoration. Deputy Council President

Newman said the question they were asking was, was habitat restoration a priority? Councilor McLain clarified that the statement should be grants; partners and Metro funds should be used for habitat restoration. Mr. Desmond said there were those out there that believed that it was fine to have just bought the land. It was not necessary to do anything else with it.

Public Access - Councilor Monroe talked about the history of the bond measure. There were those who criticized them because there was no money for operation. They understood that maintenance and development issues had to be dealt with in the future. Councilor McLain said they knew there were places that needed to be opened and some that would never be opened. Councilor Park asked about naming rights policy on trails. Deputy Council President Newman said public access to appropriate open spaces was a priority. Councilor McLain clarified that they wanted to make sure that the appropriate open spaces were opened up. Councilor Hosticka suggested appropriate public access was an antidote to inappropriate access. He gave an example of this. He felt it was an important qualifier.

Future maintenance costs – Councilor Park suggested rewriting this and using sustainability. Councilor McLain concurred with the need to reword. You could cause yourself grief if you didn't provide the basics such as a garbage can. Councilors suggested rewriting this value. Councilor McLain reminded that it was not just a parks issue but also a road issue as well in some areas.

Partnerships – if they gave up parks, was it important that people recognized Metro, that they be the face. There was also a question about the financial partnerships with Metro. Partners would expect Metro to contribute. Partnership with giving stuff away meant decreasing Metro visibility. Councilor Monroe said the more often we could partner the better. He was not concerned about the recognition of Metro. But if Metro was sharing the costs, there should be some Metro recognition. Deputy Council President Newman said it was important to let citizens know how their money was being spent and the recognition that Metro was a partner. Councilor McLain concurred with Deputy Council President Newman. Councilor Park said just because you own it doesn't mean you always get recognition. He agreed that they go for signage and everything else we could do. It recognized the past contribution of Metro. Mr. Jordan said we should be looking for partnerships and yet we did want people to know how Metro had contributed to the process. Councilor Park said in the end it multiplied Metro's exposure. Councilor Monroe said most partners would support Metro signage. Councilor Hosticka talked about partnerships and habitat restoration. Councilor McLain talked about her fair experience and the number of people who liked the purchasing of open spaces.

Readiness for future acquisitions – Mr. Desmond if they knew a bond was coming then they could plan more effectively by keeping some of those staff that had been used previously. Councilor McLain talked about local acquisition money and the need to keep the expertise at the regional level. Mr. Jordan said this issue cuts across the agency concerning core competencies. Councilor Park said if we went out for a bond and the voters said no, what would Mr. Desmond do? Mr. Desmond talked about the service we currently provide to help partners and keeping that expertise. Councilor Park talked about asking the question about what services did Metro need to have. Councilor Monroe said they made a number of changes when they scaled back the bond measure last time. He was personally committed to going for another bond no later than 2008. If we did the job right, he felt there was no reason why the bond wouldn't be successful. Deputy Council President Newman said it was important to keep core competencies but it shouldn't drive us.

Trails and direct contribution – Mr. Desmond said Mel Huie, Regional Parks and Greenspaces Department, had assisted more trail projects than any of us could count. He explained direct contribution. Should we be using any of this new money to purchase or direct trail development? Councilor Park said he felt it was up to the partnerships we had. He spoke to leveraging money. He felt it was important to let others know that Metro was interested in partnerships that leveraged the most money. Deputy Council President Newman said this kind of partnering only made us friends. He talked about direct contributions. He didn't have a problem with these as long as we focused on the four projects first. Councilor McLain said she didn't see how direct contributions could be a priority. She didn't feel it took priority over the four projects. She did feel there was a core competency on trail expertise. Mr. Desmond said they had never used Parks money as a Metro Transportation Improvement Program (MTIP) match. Councilor Monroe said acquisition of right of way was appropriate but beyond that we needed funding from the partners.

Integration with broader agency goals – should they view that as a priority? Does tie in with another program elevate the project? Councilor McLain said it seemed like a tiebreaker. Yes, it was important but it was on a case-by-case basis.

Mr. Jordan said Mr. Desmond needed to feed these back to Council before the next session so Council came prepared to prioritize. Councilor McLain talked about the integration of the guiding principles.

4. FISH AND WILDLIFE HABITAT PROGRAM – REGIONAL FACILITIES IN THE ESEE ANALYSIS

Chris Deffebach introduced Carol Krigger, Planning Department. She had been working on the Regional Significant Facilities issue. Ms. Deffebach said there were four things that they were asking for direction on today. Define Regionally Significant Facilities, proposed definition that focuses on function, a series of four options for how facilities could fit in the chart and finally, the next steps. She said they could carry this forward until the end or they could consider this as a separate resolution. She noted some individuals in the audience who represented both colleges and medical facilities. Ms. Krigger said the concern that these institution had was that they felt that the economic model that we used undervalued them. She gave an example of Oregon Health Science University (OHSU) and Lewis and Clark College. They both had a low ranking. She explained how that ranking occurred. The facilities asked that Metro take a look at this issue. Public facilities were a really broad term. They recommended changing the term to regionally significant education and medical facilities. When you say public facilities, it did not included privately owned colleges and medical facilities. They began by looking at functions that these facilities performed. She detailed the four functions. The power point presentation included these four functions (a copy of which is included in the meeting record).

EcoNorthwest had provided some of the economic and social values of these facilities. Councilor Hosticka asked if they had to meet all of the values or most of the values. They provided some options as to how they would change their development value. She explained the options and rankings of these facilities and how these would adjust. Most facilities ranked medium or low. She explained all four options. Deputy Council President Newman said there were seven facilities that were ranked in the low category. Councilor McLain said the options were some ideas of how these facilities could be consider. A case by case could be local or regional, a case-by-case determination that followed the criteria/standards. Chris Deffebach said it would be useful to get direction from Council on how to write up the resolution. Deputy Council President Newman called for testimony from the audience.

Michael Sestric, Lewis and Clark College, Institutional Coalition, 615 SW Palantine Hill Rd Portland OR 97219 spoke to the options. He felt the proposals were backward looking. Most of the higher education institutions were moving forward with entrepreneurial initiatives beyond education. His point was that by elevating the economic value of the institution you recognized their contribution as a partner in economic development. It was our best interest as a community to treat them as we would a regional center.

Lee Leighton, Westlake Consultants, Lewis and Clark College, 15115 SW Sequoia Parkway Suite 150 Tigard, OR 97224 talked about elevating the facilities to high. Wouldn't that be arbitrary? He talked about why these facilities should be considered high. He explained how the policies would apply and made suggestions as to how master-planning considerations could lead to protections for the environment. He noted the transitions in their own master planning. He suggested recognizing the changing planning of the facilities.

Councilor Hosticka suggested these individuals help Metro draft something they could include in their language. He spoke to how these facilities maximize our protection program. If there was some way to include the concept in the language he encouraged that. Councilor Monroe spoke to consistency as well as flexibility. He suggested a combination of Option 2 and 4. These institutions were very valuable and needed to have a different treatment than some of the adjacent lands. He urged allowing flexibility to look at extenuating circumstances. He didn't want to go to a straight Option 4. We needed some kind of matrix that would put these facilities in a particular box but some flexibility to allow some modification if needed. Councilor Hosticka talked about different situations dependent upon the institution. He would like us to encourage the institutions as they were planning to value their resources. Ms. Deffebach asked if Councilor Hosticka would build on Option 4 but recognize that they needed a plan for protecting the environment. A lot of these could be included in the program. Councilor Park asked how the educational and medical facilities defined themselves. He wanted to make sure we had objective criteria that could not be abused and gave an example of a church school.

Ms. Deffebach said their proposal about churches was to not call them significant because they did not meet all of the regional significant facilities criteria. How they chartered themselves may give more defined criteria. Ms. Deffebach said both medical and college facilities had accreditation requirements. This could be a qualifier. Mr. Jordan said their intention was to bring people in who was part of these facilities. Deputy Council President Newman said he was not comfortable with Option 1. The one that appealed to him was Option 3. He agreed with Councilor Hosticka if there was a more case sensitive route to encourage these institutions to have a protection plan he would support that. Councilor McLain agreed 100% with Deputy Council President Newman's last statement. Mr. Jordan said there was a difference in what was on the ground today as well as the future. Deputy Council President Newman said the economic value of these institutions should be at least medium. Councilor Park said he was comfortable with Option 1 if there was a definition that was clear. He felt there was sensitivity for educational institutions because of the neighborhoods and those that attended the institutions. Mr. Jordan suggested as they work this issue with some of the players, they might want to bring this back to Council.

5. REFINEMENT TO METROSCOPE

Dennis Yee and Lydia Neill, Planning Department, said this was work they were going to do on behalf of Department of Land Conservation Development (DLCD). Ms. Neill said they submitted a 10-day letter because the grant was received after the budget was passed. She outlined the three phases of the grant, a copy of which was included in the work session sheet. They wanted to get started on this because the work had to be completed by Spring 2005. She felt they would get

much better information as to what was happening out in the region. The econometrics model updates were the second piece of the work. Councilor Park asked if there were any new policy levers that needed to be pulled. Ms. Neill said she didn't think so. She didn't think any of the pieces was policy driven. They were technically driven. Mr. Yee said the upgrade of the econometrics model was purely technical. Ms. Neill said they were still trying to figure out the best approach about the redevelopment component of the grant. Deputy Council President Newman said he was confused about the redevelopment bullet, i.e., charrette process. He wanted to make sure it was informative. Mr. Yee said Mary Weber, Planning Department, was in favor of that approach. Which approach leveraged the most information? He was looking at the quantitative details. Councilor McLain said she wanted a copy of what was in front of Mr. Yee and Ms. Neill. She spoke to the history of the Metroscope and the need to review it on a regular basis. Mr. Yee talked about a retail study and what issues needed to be examined. He spoke to market trend. How did this market work and how could we develop strategies to move those waves in direction of growth. You wanted to focus growth towards the centers and regional areas. Ms. Weber said it was \$100,000 grant from the State and was about jobs. She explained the charrette piece and what it was about. This would allow for more information about redevelopment and to bring local governments along. The grant allowed a lot of flexibility. Councilor McLain said there was a lot of information that the Council cared about. She wanted to hear what were the assumptions. She suggested hearing how they were taking the information and what they learned in the grant. Ms. Neill said they could come back to them. Ms. Weber said they had another grant coming as well on Metroscope.

6. CITIZEN COMMUNICATION

Cindy Caito, AOC, 9450 SW Commerce Circle, Wilsonville, OR 97070 said she was struck with the flexibility that the Council was considering with regionally significant facilities. She urged showing flexibility on industrial lands.

7. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

Time Began: 3:50 pm.

Time Ended: 4:01 pm

Members Present: William Eadie, Ruth Scott, Joel Morton, Michael Jordan, Nancy Chase, Jim Desmond

9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(i) AUTHORIZED TO REVIEW AND EVALUATE THE EMPLOYMENT RELATED PERFORMANCE OF THE CHIEF OPERATING OFFICER

Time Began: 4:12 pm

Time Ended: 4:45 pm

Members Present: Michael Jordan, Ruth Scott

10. CHIEF OPERATING OFFICER COMMUNICATION

Metro Council Meeting

08/03/04

Page 8

11. COUNCILOR COMMUNICATION

There were none.

There being no further business to come before the Metro Council, Deputy Council President Newman adjourned the meeting at 4:46p.m.

Prepared by,

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF AUGUST 3,
2004

Item	Topic	Doc Date	Document Description	Doc. Number
1	Agenda	8/5/04	Metro Council Agenda for August 5, 2004	080304c-01
4	Power Point Presentation	8/3/04	To: Metro Council From: Carol Krigger, Metro Planning Department Re: Regionally Significant Public Facilities Power Point Presentation	080304c-02
4	Exhibit B	8/3/04	To: Metro Council From: Carol Krigger, Metro Planning Department Re: Exhibit B to Resolution No. 04-3440A	080304c-03
4	Memo	7/30/04	To: Metro Council From: Chris Deffebach, Metro Long Range Planning Manager Re: Regionally significant educational and medical facilities	080304c-04